

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ROBERT T. STOOKSBURY, JR.,)	
)	
Plaintiff,)	
)	
v.)	No. 3:09-CV-498-TAV-HBG
)	
MICHAEL L. ROSS, <i>et al.</i> ,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and the referral of the Chief District Judge.

Now before the Court is the Receiver's Motion to Approve Attorneys' Fees and Costs [Doc. 1458], filed January 28, 2015. In his motion, the Receiver moves the Court to consider the outstanding request for approval of professional fees and costs for services rendered by the law firm of Woolf, McClane, Bright, Allen & Carpenter, PLLC ("WMBAC") from December 1, 2013 through February 28, 2014 as set forth within Section V of the Receiver's Proposed Liquidation and Distribution Plan filed on March 17, 2014 [Doc. 1259 at 24-25]. Specifically, the Receiver moves the Court to approve the professional fees and expenses incurred through WMBAC, which the Receiver states represent reasonable and necessary services rendered during the period from December 1, 2013 through February 28, 2014 in the amount of \$135,417.50 for fees and \$569.00 in expenses. The Receiver has submitted invoices supporting his request. [See Docs. 1259-4, 1259-5, and 1284].

The Receiver's request that these fees and expenses be approved was originally contained in the Proposed Liquidation and Distribution Plan filed March 17, 2015. After the Proposed

Liquidation and Distribution Plan was denied as moot on other grounds, the Receiver renewed his request through the filing of the instant motion on January 28, 2015. No party or interested person has objected to the professional fees and expenses submitted. The time for doing so has expired. See, generally, E.D. Tenn. L.R. 7.1. The Court may treat this failure to respond as acquiescence to the relief sought. See E.D. Tenn. L.R. 7.2.

In addition, the undersigned has reviewed the fees and expenses requested and the documentation submitted in support of the amounts requested. [See Docs. 1259-4, 1259-5, and 1284]. Based upon this review, the Court finds that the fees and expenses requested are reasonable and should be approved.

Accordingly, the undersigned **RECOMMENDS**¹ that:

1. The Receiver's Motion to Approve Attorneys' Fees and Costs [**Doc. 1458**] be **GRANTED**; and
2. The **\$135,417.50** in professional fees and **\$569.00** in expenses incurred through WMBAC for services rendered between December 1, 2013 and February 28, 2014 be **APPROVED**.

Respectfully Submitted,


United States Magistrate Judge

¹ Any objections to this Report and Recommendation must be served and filed within fourteen (14) days after service of a copy of this recommended disposition on the objecting party. Fed. R. Civ. P. 72(b)(2). Such objections must conform to the requirements of Rule 72(b), Federal Rules of Civil Procedure. Failure to file objections within the time specified waives the right to appeal the District Court's order. Thomas v. Arn, 474 U.S. 140, 106 S. Ct. 466 (1985). The district court need not provide de novo review where objections to this report and recommendation are frivolous, conclusive or general. Mira v. Marshall, 806 F.2d 636 (6th Cir. 1986). Only specific objections are reserved for appellate review. Smith v. Detroit Federation of Teachers, 829 F.2d 1370 (6th Cir. 1987).